

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

13281  
013004  
Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Atty. Dkt.: 117-489  
Date: January 30, 2004

17302 U.S.P.T.O.  
10/766897  
013004

Sir:

Attached for filing is the patent application of:

Inventor: COFFIN

Entitled: HERPES VIRUSES FOR IMMUNE MODULATION

and including attachments as noted below:

Newly executed Declaration,  Copy of Declaration from prior application,  Abstract 29 pages of specification and claims (including 16 numbered claims), and 5 sheets of accompanying drawing/s.

Record the attached assignment to \_\_\_\_\_ and return to the undersigned.

Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

- | Application Number | Country        | Day/Month/Year Filed |
|--------------------|----------------|----------------------|
| 0009079.5          | United Kingdom | 12 April 2000        |
| 9816781.0          | United Kingdom | 31 July 1998         |
- , respectively, the entire content of which is hereby incorporated by reference in this application.
- Certified copy(ies) of foreign application(s) is/are attached.
- Certified copy(ies) filed in prior Appln. No. PCT/GB99/02529, filed 2 August 1999.
- This application claims the benefit of Provisional Application No. \_\_\_\_\_, filed \_\_\_\_\_, the entire content of which is hereby incorporated by reference in this application.
- This application is a  continuation/ division/ continuation-in-part of Application No. 09/833,073, filed April 12, 2001, allowed on October 29, 2003, which is a continuation-in-part of Application No. 09/744,942, now U.S. Patent No. 6,641,817, which is a national-phase of PCT/GB99/02529 the entire contents of which are incorporated herein by reference.
- Petition filed in prior application to extend its life to insure co-pendency.
- The prior application is assigned to BIOVEX LIMITED, London, United Kingdom.
- It is hereby requested that the Examiner consider the art cited in the parent application by applicant and/or the Examiner for the reasons stated therein. A listing of that art is attached.
- Applicant claims "small entity" status.  "Small entity" statement attached.
- Please enter the attached preliminary amendment prior to calculation of filing fee:
- Also attached:  Information Disclosure Statement;  Non-Publication Request;  Nucleotide and/or Amino Acid Sequence Submission;  Statement deleting Inventor(s) named in prior application;  Other:

**FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY HEREWITH CANCELED**

Basic Filing Fee	\$	770.00
Total effective claims 16 - 20 (at least 20) = 0 x \$ 18.00	\$	0.00
Independent claims 1 - 3 (at least 3) = 0 x \$ 86.00	\$	0.00
If any proper multiple dependent claims now added for first time, add \$290.00 (ignore improper)	\$	0.00
SUBTOTAL	\$	770.00
If "small entity," then enter half (1/2) of subtotal and subtract	\$	385.00
SECOND SUBTOTAL	\$	385.00
Assignment Recording Fee (\$40.00)	\$	
<b>TOTAL FEE ENCLOSED</b>	\$	<b>385.00</b>

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.

By Atty: Gary R. Tanigawa, Reg. No. 43,180

Signature: 